IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

CUSTOM APPEAL NO.16 OF 2006

The Commissioner of Customs (General),
Mumbai. Appellant

vs.

M/s.Bharat Overseas Communicators Respondent

Mr.Vijay Kantharia for the appellant.

Mr.S.N.Kantawala i/b.Mr.Yogesh Rohira for the respondent.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 24th March, 2006

P.C.

Heard Mr.Vijay Kantharia, the learned counsel for the appellant.

2. It is admitted fact that show cause notice under Section 124 of the Customs Act read with the Customs House Agents Licensing Regulations, 2004 was issued to the respondent proposing penal action for violation of Customs Act and Customs House Agents Licence Regulations. The said notice was admittedly issued in the month of January 2005. At the time of issuance of the show cause notice, the Commissioner of Customs (General) did not think it fit to exercise of power of suspension of Customs House Agents (CHA) licence given to the respondent. After a gap of about 8 months, the Commissioner of Customs (General) passed an order

suspending CHA licence given to the respondent. The order of suspension does not record the circumstances which justified immediate suspension of the licence pending enquiry, particularly when at the time of issuance of show cause notice for revocation of licence, suspension order was not issued.

3. The Customs, Excise and Service Tax Appellate Tribunal, relying upon the judgment of Calcutta High Court in the case of Kamal Kumar Agarwal vs. Union of India, 2004 (171) ELT 301, held that the order of suspension of CHA licence issued to the respondent cannot be sustained as the Commissioner's order did not spell out that an immediate action was required to be taken in the matter.

4. We find no error in the approach of the Tribunal.

5. The appeal does not give rise to any substantial question of law.

6. Appeal is dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)